

**REMARKS**

Claim 1 is amended herein. Support for the amendment is found, for example, in the specification on page 4, lines 18-20 and page 5, lines 2-3. Upon entry of the Amendment, claims 1, and 3-7 will be all of the claims pending in the application.

Claim 1 is amended herein to recite that the sealing layer comprises an ethylene/unsaturated carboxylic ester copolymer, wherein the ethylene content of the copolymer is 60 to 80% by weight to further distinguish the claimed invention over the art of record. Applicants respectfully submit that the present invention is distinguished over the art of record for the reasons previously indicated in the Response filed on June 25, 2003, and the arguments made therein, which are incorporated herein by reference, and the arguments below.

Specifically, as to the rejection of claim 1 under 35 U.S.C. § 103(a) over Winter in view of Charrier, Winter does not teach or suggest an easily-peelable film comprising a polyester resin sealing layer and a layer adjacent to the sealing layer that comprises an ethylene/unsaturated carboxylic acid ester copolymer having an ethylene content of 60-80% as presently claimed. Charrier does not remedy the deficiencies of Winter in that Charrier does not teach or suggest an ethylene/unsaturated carboxylic acid ester copolymer having an ethylene content within the range of 60 to 80% by weight. Therefore, there is no motivation to combine Winter and Charrier with a reasonable expectation of success in achieving the claimed invention.

With respect to the rejection of claims 1 and 3-7 under 35 U.S.C. § 103(a) in view of Genske et al and the combined teachings of Wilham et al and Charrier, Genske et al does not teach or suggest a polyester sealing layer, the thickness of the sealing layer, or the specific

ethylene content of the adjacent layer as recited in claim 1. Wilham and Charrier fail to remedy the deficiencies of Genske et al for the reasons set forth in the response filed on June 25, 1003, which are incorporated herein by reference. Namely, Genske et al, on the whole, teaches away from the claimed invention comprising a polyester sealant layer. Wilham et al is concerned with a heat sealable polyester packaging film that produces a peelable seal when heat sealed to itself and other polyester materials. Therefore, one of ordinary skill in the art would not have been motivated to combine Genske et al and Wilham et al with a reasonable expectation of achieving the presently claimed invention. Further, neither Genske et al nor Wilham et al teach or suggest an ethylene content within the presently claimed range. Charrier does not remedy the deficiencies of Genske et al and Wilham et al, since Charrier does not disclose an ethylene/unsaturated carboxylic ester copolymer having an ethylene content within the presently claimed range of 60 to 80% by weight. Thus, the presently claimed invention is not rendered obvious over the art of record.

In regard to the rejection under 35 U.S.C. § 103(a) of claims 1 and 3-7 over Genske et al in view of Winter and Charrier, Applicants submit that the presently claimed invention is not rendered obvious over the cited references for the reasons set forth in the Response filed on June 25, 2003, which is incorporated herein by reference and for the reasons set forth above. Specifically, Genske et al does not teach or suggest a polyester sealing layer, the thickness of the sealing layer, or the specific ethylene content of the adjacent layer as recited in claim 1 and Winter and Charrier fail to remedy the deficiencies of Genske et al. As stated above, Genske, et al, on the whole, teaches away from a polyester sealing layer as in the presently claimed

invention. Winter teaches that the function of the disclosed heat sealant polyester layer is to serve as a heat sealant layer when the film is sealed to itself or a second (unknown) substrate. Throughout the entire disclosure, Winter teaches the disclosed film as being useful as a liner for a microwave bag and therefore one of ordinary skill in the art would expect that the disclosed heat sealant layer is laminated to itself or other substrates commonly used for popcorn bags such as paper. Therefore, there is no motivation for one of ordinary skill in the art to combine Genske et al and Winter et al with a reasonable expectation of success in achieving the presently claimed invention.

Even further, Winter does not teach or suggest a layer adjacent to the sealing layer that comprises an ethylene/unsaturated carboxylic acid ester copolymer having an ethylene content of 60-80% as presently claimed. Charrier does not remedy the deficiencies of Genske et al and Winter. Further, Charrier does not teach or suggest an ethylene/unsaturated carboxylic acid ester copolymer having an ethylene content within the range of 60 to 80% by weight. Therefore, there is no motivation to combine Genske et al, Winter and Charrier with a reasonable expectation of success in achieving the claimed invention.

In view of the above, Applicants submit that the prior art of record does not render the presently claimed invention *prima facie* obvious and the claimed invention is distinguished over the prior art. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

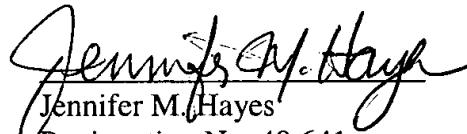
Amendment under 37 C.F.R. § 1.114  
U.S. Application Ser. No. 096/987,163

Attorney Docket No. Q66991

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 29, 2003